

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Heather Anders, :
: Case No. 2:21-cv-04986
Plaintiff, :
v. : Judge _____
Perry County Sheriff Department, *et al.* : Magistrate Judge _____
: Defendants. :

NOTICE OF REMOVAL

In accordance with 28 U.S.C. §§1331, 1441, and 1446, Defendants, Perry County Sheriff Department, Sheriff William R. Barker and Deputy Andrew Love, by and through counsel, hereby respectfully file this Notice of Removal of *Heather Anders v. Perry County Sheriff's Department, et al.*, Perry County, Ohio, Court of Common Pleas No. 21CV00215. See also Fed. R. Civ. P. 81(c). In support of this Notice of Removal, Defendants state as follows:

1. On or about September 27, 2021, Plaintiff Heather Anders initiated *Heather Anders v. Perry County Sheriff's Department, et al.*, Perry County, Ohio, Court of Common Pleas No. 21CV00215, by filing her Complaint in the Perry County Common Pleas Court. The Complaint is attached hereto. (Exhibit 1).
2. Defendants received the Summons and Complaint on or about October 5, 2021.
3. Plaintiff alleges that Defendants violated Plaintiff's Constitutional rights, more specifically her Fourth Amendment right "... to be free from warrantless searches and seizures." Plaintiff also alleges a violation of her Fifth Amendment right to due process of law. (Exhibit 1, ¶¶ 14, 15).

4. Plaintiff seeks monetary and punitive damages against Defendants, plus attorney fees. Plaintiff also alleges she is entitled to a Writ of Replevin. (Id. at ¶12).

5. The constitutional claims asserted by Plaintiff state Federal Questions pursuant to 28 U.S.C. §1331. As a result, this case is being removed on Federal Question grounds.

6. This Court has original jurisdiction over the underlying matter pursuant to 28 U.S.C. §§1331, 1343, and 1441. Further, Defendants respectfully request that this Court exercise its supplemental jurisdiction over any of Plaintiff's attempted state law claims. See 28 U.S.C. §1337.

7. Attorneys Daniel T. Downey and Jennifer H. George represent all Defendants in this matter.

8. Removal was commenced sooner than 30 days after Defendants first received a copy of the Complaint.

9. Copies of all process, pleadings, and documents served upon Defendants are attached in accordance with 28 U.S.C. §1446 (a).

WHEREFORE, Defendants hereby respectfully and unanimously remove this lawsuit to this honorable Court.

Respectfully Submitted,

s/ Daniel T. Downey

Daniel T. Downey (0063753)

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Attorneys for Defendants Perry County Sheriff Department, Sheriff William R. Barker, and Deputy Andrew Love

CERTIFICATE OF SERVICE

This is to certify that the foregoing *Notice of Removal* was filed electronically through the Court's system this 8th day of October 2021. A true and accurate copy of the foregoing filing has also been electronically served upon Plaintiff's counsel, with regular U.S. Mail to follow, this 8th day of October 2021.

s/Daniel T. Downey

Daniel T. Downey (0063753)

FISHEL DOWNEY ALBRECHT & RIEPENHOFF LLP

Attorney for Defendants Perry County Sheriff Department, Sheriff William R. Barker, and Deputy Andrew Love